

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED NOV 04 2015

JOSEF AVERGUN : CIVIL ACTION  
: :  
v. : :  
: :  
WARDEN OF THE PHILADELPHIA COUNTY : NO. 15-5723  
PRISON ON THE STATE ROAD :  
CORRECTIONAL OFFICER BIRETTA :  
:

ORDER

AND NOW, this 3<sup>rd</sup> day of November, 2015, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Joseph Avergun, #KT-2212, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$9.73 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Coal Township or at any other prison at which plaintiff may be incarcerated is directed to deduct \$9.73 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 15-5723. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution at Coal Township or at any other prison at which plaintiff may be incarcerated, shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money

ENTERED

NOV 04 2015

CLERK OF COURT

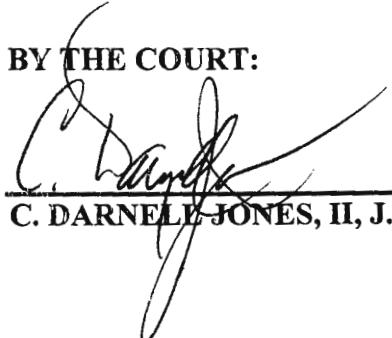
credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 15-5723.

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Coal Township.

4. The complaint is DISMISSED with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

5. The Clerk of Court shall CLOSE this case.

BY THE COURT:

  
C. DARNELE JONES, II, J.